

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JERMAINE ANDERSON, individually  
and as a representative of a class of  
similarly situated persons, on behalf of the  
ADVANCE 401(K) PLAN,

Plaintiff,

-against-

ADVANCE PUBLICATIONS, INC.,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/17/2023

22 Civ. 6826 (AT)

**ORDER**

On January 6, 2023, Defendant filed a motion to dismiss. ECF No. 42. On January 27, 2023, Plaintiff filed an amended complaint. ECF No. 54. On February 2, 2023, the Court ordered Defendant to either file an answer, file a motion to dismiss the amended complaint, or file a letter with the Court stating that it relied on the previously filed motion to dismiss. ECF No. 58. On February 16, 2023, Defendant filed a motion to dismiss the amended complaint. ECF No. 62.

Accordingly, Defendant's motion to dismiss the complaint, ECF No. 42, is DISMISSED, without prejudice, as moot. The Court shall treat the motion to dismiss the amended complaint, ECF No. 62, as the operative motion to dismiss in this action.

The Clerk of Court is directed to terminate the motion at ECF No. 42.

SO ORDERED.

Dated: February 17, 2023  
New York, New York



ANALISA TORRES  
United States District Judge